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A 13076 US/WO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

PETER GROSS and PHILIPP PFENNIGER

Serial No. (to be assigned)

Filed Herewith

OIPE

For: TOOTHBRUSH

PRELIMINARY AMENDMENT

Hon. Director of Patents and Trademarks
Washington D.C. 20231

Sir:

Please amend the above-identified application prior to examination and prior to computation of the filing fee, as follows:

In the Specification:

(All line numbers correspond to those along left page margin)

Page 1, insert the captions and text therebetween:

: --- CROSS-REFERENCE TO RELATED APPLICATIONS

This application is based upon and is a continuation of PCT/CH00/00290 filed May 23, 2000, and of application in Germany No, 299 12 420.7 filed July 15, 1999.

BACKGROUND OF THE INVENTION ---

Page 1, cancel line 3 *in toto*, and insert --- following disclosure wherein the toothbrush is characterized by a handle which may be transparent and may be utilized for diverse aesthetic and utilitarian purposes. ---

Page 1, line 16, insert the caption:

--- BRIEF SUMMARY OF THE INVENTION ---

Page 1, line 23, cancel “of claim 1” and insert

--- which render the toothbrush attractive to a child to encourage the child to practice dental hygiene, and also to provide a toothbrush which may have utilitarian aspects as well as an ornamental appearance. These include providing a unique handle for the toothbrush in contrast to the ordinary handle provided for grasping the toothbrush. ---

Page 1, lines 25-26, cancel “form the subject matter of the dependent claims”, and insert:

--- a transparent handle for the toothbrush with a cavity therein for reception of aesthetic, ornamental, or utilitarian materials. The materials may comprise discrete elements of diverse shapes and colors. Further, such materials, or other materials, may be placed within an ampoule placed into and removable from the toothbrush handle cavity.

Further, the materials may include a plurality of loose articles, or, the handle may have liquid or powder therein with loose articles admixed therewith or floating therein. ---

Page 1, line 27, insert the following caption:

--- BRIEF DESCRIPTION OF THE DRAWINGS ---

Page 3, line 32, please insert the following caption:

--- DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS --

Page 10, line 1, cancel “Patent Claims”, and insert ---In conclusion, various aspects and features of the invention include: ---

Lines 14 and 15, cancel “as claimed in claim 1, wherein means” and insert --- having devices ---;

Line 18, cancel “as claimed in claim 1 or 2,”.

Line 24, cancel “as claimed in claim 1 or 2,”.

Line 31, cancel “as claimed in claim 2 and claim 4,”.

Line 32, cancel “means” and insert --- devices ---.

Line 36, cancel “as claimed in claim 2 and claim 4,”.

Line 37, cancel “means” and insert --- devices ---.

Page 11, line 4, cancel “as claimed in one of claims 2 to 4,”.

Line 5, cancel “means” and insert --- devices ---.

Line 10, cancel “as claimed in one of claims 2 to 4,”..

Line 11, cancel ”means” and insert --- devices ---.

Line 13, cancel “as claimed in one of claims 2 to 4,”..

Line 14, cancel ”means” and insert --- devices ---.

Line 16, cancel “as claimed in one of claims 2 to 4,”..

Line 17, cancel “means” and insert --- devices ---.

Line 20, cancel “as claimed in one of claims 2 to 4,”..

Line 21, cancel ”means” and insert --- devices ---.

Line 23, cancel “as claimed in one of claims 2 to 4,”..

Line 24, cancel ”means” and insert --- devices ---.

Line 26, cancel “as claimed in one of claims 2 to 4,”..

Line 27, cancel “means” and insert --- devices ---.

Line 29, cancel “as claimed in one of claims 2 to 4,”..

Line 30, cancel ’means” and insert --- devices ---.

Line 32, cancel “as claimed in claim 1 or 2,”.

Line 33, cancel “claim 3”; same line, cancel “means” and insert ---
devices ---.

Line 37, cancel “as claimed in claim 3 or 4,”.

Page 12, line 4, cancel “as claimed in claim 16,”.

Lines 9 and 10, cancel “as claimed in on of claims 3, 4, 16 and 17.”.

Page 12, lines 13 and 14, cancel “as claimed in claim 4 and either of claims 5 and 15,”.

Line 18, cancel “as claimed in claim 19,”.

Line 19, cancel “means” and insert --- devices ---.

Line 34, cancel “as claimed in claim 3,”.

Page 13, line 1, cancel “as claimed in claim 4,”.

Lines 6 and 7, cancel “as claimed in claim 1 or 2 and as claimed in claim 5,”.

In the Claims: (pages 14-16):

Please amend claim 2 as follows:

2. (Amended) The toothbrush as claimed in claim 1, wherein the cavity (7) is kept closed from the rear by a closure part (8; 8'; 22; 27) which can be connected non-releasably to the handle (3) at the rear end of the latter.

Please amend claim 3 as follows:

3. (Amended) The toothbrush as claimed in claim 1, wherein, for optionally filling the cavity (7), the cavity (7) can be closed from the rear by a closure part (8; 8'; 22; 27) which can be connected releasably to the handle (3) at the rear end of the latter.

Please amend claim 5 as follows:

5. (Amended) The toothbrush as claimed in claim 1 wherein the article is formed by an at least partially transparent or translucent section of film which butts against the inner wall of the cavity and has printing on it.

Please amend claim 6 as follows:

6. (Amended) The toothbrush as claimed in claim 1 wherein the article is formed by an ampoule (20) which has printing on it or has a film adhesively bonded to it.

Please amend claim 7 as follows:

Please amend claim 7 as follows:

7. (Amended) The toothbrush as claimed in claim 1 wherein the article comprises luminescent parts..

Please amend claim 8 as follows:

8. (Amended) The toothbrush as claimed in claim 1 wherein the article comprises hologram foils.

Please amend claim 11 as follows:

11. (Amended) The toothbrush as claimed in claim 2 wherein the closure part (22; 27; 37) is provided with a positioning part (23; 24; 25; 28; 38) for positioning the toothbrush (1) on an underlying surface.

Please amend claim 13 as follows:

13. (Amended) The toothbrush as claimed in claim 2 wherein the closure part is produced from a thermoplastic elastomer.

In the Abstract:

Please insert the attached Abstract of the Disclosure on the attached page.

REMARKS

The subject Preliminary Amendment corrects the application in formal respects, and places the case in better form for examination.

The application contains 15 claims, of which claim 1 is independent, the remaining claims depending directly or indirectly therefrom. Care has been taken to avoid the introduction of any new matter.

Respectfully submitted,

PETER GROSS ET AL

by Warren N. Low
Reg. No. 18.849

by Warren N. Low
Reg. No. 18,849
P.O. Box 2184
Arlington, VA 22202
703-979-4870

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--- ABSTRACT OF THE DISCLOSURE

A unique ornamental and utilitarian toothbrush characterized by a bristle-carrying head part and a handle, wherein the handle includes transparent or translucent portions and is further provided with a closed cavity extending in the longitudinal direction of the toothbrush, and wherein an article is received within the cavity and is visible through the transparent or translucent handle portion. The handle cavity has a closure and the toothbrush is formed from plastic materials. The enclosed article may be decorative, of plural or single parts, and wherein further liquid may be in the cavity. ---

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Claims Showing Amendments Thereto per Rule 111

2. (Amended) The toothbrush as claimed in claim 1, wherein the cavity (7) is kept closed from the rear by [means of] a closure part (8; 8'; 22; 27) which can be connected non-releasably to the handle (3) at the rear end of the latter.

3. (Amended) The toothbrush as claimed in claim 1, wherein, for optionally filling the cavity (7), the cavity (7) can be closed from the rear by [means of] a closure part (8; 8'; 22; 27) which can be connected releasably to the handle (3) at the rear end of the latter.

5. (Amended) The toothbrush as claimed in claim 1 [one of claims 1 to 3] wherein the article is formed by an at least partially transparent or translucent section of film which butts against the inner wall of the cavity and has printing on it.

6. (Amended) The toothbrush as claimed in claim 1 [one of claims 1 to 3] wherein the article is formed by an ampoule (20) which has printing on it or has a film adhesively bonded to it.

7. (Amended) The toothbrush as claimed in claim 1 [one of claims 1 to 6,] wherein the article comprises luminescent parts.

8. (Amended) The toothbrush as claimed in claim 1 [one of claims 1 to 6,] wherein the article comprises hologram foils.

11. (Amended) The toothbrush as claimed in claim 2 [one of claims 2 to 10,] wherein the closure part (22; 27; 37) is provided with a positioning part (23; 24; 25; 28; 38) for positioning the toothbrush (1) on an underlying surface.

13. (Amended) The toothbrush as claimed in claim 2 [one of claims 2 to 12,] wherein the closure part is produced from a thermoplastic elastomer.